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HOUSE BILL 312

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO HEALTH CARE; ENACTING THE NAPRAPATHIC PRACTICE ACT;
PROVIDING FOR LICENSURE; ENACTING PENALTIES; ENACTING SECTIONS
OF THE NMSA 1978; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Naprathic Practice Act".

Section 2. DEFINITIONS.--As used in the Naprathic
Practice Act:

- A. "applicant" means a person who is applying to be licensed for the first time as a naprathic in New Mexico;
- B. "board" means the naprathic practice board;
- C. "department" means the regulation and licensing department;
- D. "fund" means the naprathic fund;

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1 E. "license" means an authorization by the
2 superintendent that permits a person to practice naprapathy in
3 the state;

4 F. "licensee" means a person licensed by the
5 superintendent as a naprapath;

6 G. "naprapath" means a person who practices
7 naprapathy; and

8 H. "superintendent" means the superintendent of
9 regulation and licensing.

10 Section 3. LICENSURE REQUIRED--EXCEPTIONS--
11 REGISTRATION.--

12 A. A person shall not practice naprapathy in the
13 state without a valid license issued by the superintendent
14 based on recommendations from the board.

15 B. A person who is a naprapath practitioner
16 employed by a federal government facility or agency in New
17 Mexico is not required to be licensed pursuant to the
18 Naprapathic Practice Act, but is required to register with the
19 board.

20 C. A person who is enrolled in a program approved
21 by the superintendent to provide training for naprapaths or a
22 person receiving continuing educational training to practice
23 naprapathy is not required to be licensed or registered with
24 the board.

25 D. A person teaching, advising or supervising

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1 students of naprapathy or teaching continuing education for
2 naprapaths shall not practice naprapathy in New Mexico unless
3 he is licensed by the board.

4 E. A person in the state to teach, advise or
5 supervise naprapaths or students for less than one month may
6 practice naprapathy if he is registered with the board as a
7 teacher, advisor or supervisor and if the practice occurs in
8 the course of his duties as a teacher, advisor or supervisor.

9 Section 4. PRACTICE OF NAPRAPATHY--DESCRIPTION. --

10 A. Naprapathic practice includes the diagnosis and
11 treatment of persons with connective tissue disorders through
12 the use of special techniques, review of case history,
13 examination and palpation or treatment of a person by the use
14 of connective tissue manipulation, therapeutic and
15 rehabilitative exercise, postural counseling, nutritional
16 counseling and the application or use of heat, cold, light,
17 water, radiant energy, electricity, sound and air and assistive
18 devices for the purpose of preventing, correcting or
19 alleviating a physical disability.

20 B. A naprapath treats contractures, muscle spasms,
21 inflammations, scar tissue formation, adhesions, lesions,
22 laxity, hypotonicity, rigidity, structural imbalances, bruises,
23 contusions, muscular atrophy and partial separation of
24 connective tissue fibers.

25 C. Naprapathic practice may require the:

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1 (1) performance of specialized tests and
2 measurements;

3 (2) administration of specialized treatment
4 procedures; and

5 (3) establishment and modification of
6 naprapathic treatment programs.

7 D. A licensee may advise, supervise or teach
8 another in the performance of naprapathy.

9 E. Naprapathic practice does not include surgery,
10 pharmacology or invasive diagnostic testing. A naprapath who
11 is not licensed as a physical therapist pursuant to the
12 Physical Therapy Act shall not hold himself out as qualified to
13 provide physical therapy or physiotherapy services. A
14 naprapath who is not licensed pursuant to the Chiropractic
15 Physician Practice Act may not hold himself out as qualified to
16 perform chiropractic practices. Nothing in this section shall
17 limit a naprapath from employing appropriate naprapathic
18 techniques that a naprapath is educated and licensed to
19 perform.

20 F. A naprapath shall refer to a licensed physician
21 any patient whose medical condition should, at the time of
22 evaluation or treatment, be determined to be beyond the scope
23 of practice of the naprapath.

24 Section 5. EDUCATION--PROFESSIONAL QUALIFICATIONS.--

25 A. A person may be qualified to receive a license

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1 as a naprapath if that person:

2 (1) is at least twenty-one years of age;

3 (2) has graduated from a two-year
4 college-level program or an equivalent program approved by the
5 superintendent after consultation with the board;

6 (3) has completed a four-year academic
7 curriculum in naprapathy, in not less than three calendar
8 years, and the person has successfully completed one hundred
9 thirty-two hours of academic credit, including sixty-six credit
10 hours in basic science courses with emphasis on the study of
11 connective tissue, and sixty-six credit hours in clinical
12 science courses teaching naprapathic science, theory and
13 application;

14 (4) has passed the national board of
15 naprapathic examiners examination; and

16 (5) has met all other requirements of the
17 Naprapathic Practice Act.

18 B. The superintendent or the board may require a
19 personal interview with an applicant to evaluate that person's
20 qualifications for a license.

21 Section 6. APPLICATION.--

22 A. An applicant for a license shall:

23 (1) complete and submit an application on a
24 form furnished by the superintendent; and

25 (2) provide all of the information requested

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1 by the superintendent.

2 B. An applicant shall submit a nonrefundable
3 application fee with his application.

4 Section 7. DESIGNATION AS NAPRAPATH. --

5 A. A person to whom a license as a naprapath has
6 been issued by the superintendent is designated a "naprapath"
7 and may use that title in connection with the practice of the
8 profession of naprapathy.

9 B. A person licensed as a naprapath, who is a
10 graduate of a program in naprapathy at a school approved by the
11 superintendent, may use the title "doctor of naprapathy" or the
12 letters "D.N." following the licensee's name, to indicate the
13 licensee's professional status.

14 C. The superintendent shall adopt rules following
15 hearings held by the board regarding the manner in which titles
16 and other indicia of the profession may be used.

17 Section 8. LICENSE DISPLAY. -- A licensee shall display his
18 license and diplomas in his place of business in a location
19 clearly visible to the naprapath's patients.

20 Section 9. BOARD-- CREATION. --

21 A. The "naprapathic practice board" is created.

22 B. The board shall have five members who are
23 residents of New Mexico, three of whom shall be naprapaths
24 licensed in New Mexico or in another state.

25 C. Members shall be appointed by the governor for

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1 four-year terms. No member shall serve more than two terms,
2 except that a person who is appointed to complete an unexpired
3 term of a member of the board may also serve for two full
4 terms.

5 D. Each member of the board shall serve until a
6 replacement is appointed.

7 E. The board shall elect annually a chairman and
8 other officers as determined by the board to be needed.

9 F. The board shall meet as often as necessary to
10 conduct business, but shall meet not less than twice per
11 calendar year. Meetings shall comply with the Open Meetings
12 Act. Three members shall constitute a quorum.

13 G. Members of the board shall be reimbursed as are
14 nonsalaried public officers in the Per Diem and Mileage Act and
15 shall receive no other compensation, perquisite or allowance.

16 Section 10. DUTIES OF THE BOARD. --

17 A. The board shall advise the superintendent
18 regarding licensure of naprapaths, approval of naprapathy
19 curricula, approval of degree programs in naprapathy and any
20 other matters that are necessary to ensure the training and
21 licensure of competent naprapaths.

22 B. The board shall hold hearings and develop rules
23 for the superintendent to review and adopt:

24 (1) regulating licensure of naprapaths, the
25 practice of naprapathy and establishing minimum qualifications

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1 and hours of clinical experience required for licensure as a
2 naprapath;

3 (2) prescribing the manner in which records of
4 examinations and treatments shall be kept and maintained;

5 (3) regarding professional responsibility and
6 conduct;

7 (4) identifying disciplinary actions and
8 circumstances that require disciplinary action;

9 (5) developing a means to provide information
10 to all naprapaths licensed in the state;

11 (6) providing for the inspection of the
12 business premises of a licensee when the board determines that
13 an inspection is necessary;

14 (7) providing for the investigation of
15 complaints against licensees or persons holding themselves out
16 as practicing naprapathy in the state;

17 (8) publishing information for the public
18 about licensees and the practice of naprapathy in the state;

19 (9) providing for an orderly process for
20 reinstatement of a license;

21 (10) establishing criteria for acceptance of
22 naprapathy credentials or licensure from another jurisdiction;

23 (11) providing criteria for advertising or
24 promotional materials; and

25 (12) regarding any matter necessary to

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1 implement the Naprapathic Practice Act.

2 Section 11. LICENSE RENEWAL. --The superintendent shall
3 review licenses for renewal annually and all licenses to be
4 renewed shall be renewed on July 1. Applicants for license
5 renewal shall submit:

6 A. a renewal application on a form developed by the
7 superintendent;

8 B. a license renewal fee; and

9 C. proof of completion of continuing education
10 requirements required by rule.

11 Section 12. LICENSE FEES. --The superintendent shall
12 establish license and administrative fees, but no individual
13 fee shall exceed one thousand dollars (\$1,000).

14 Section 13. NAPRAPATHY FUND CREATED--USE--
15 APPROPRIATION. --

16 A. The "naprapathy fund" is created in the state
17 treasury.

18 B. All fees collected pursuant to the provisions of
19 the Naprapathic Practice Act shall be deposited with the state
20 treasurer. The state treasurer shall place the money to the
21 credit of the fund.

22 C. Money in the fund is appropriated to the
23 department to carry out the provisions of the Naprapathic
24 Practice Act. Any unexpended or unencumbered balance remaining
25 in the fund at the end of a fiscal year shall not revert to the

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1 general fund. Expenditures shall be made from the fund on
2 warrants drawn by the secretary of finance and administration
3 pursuant to vouchers signed by the superintendent.

4 Section 14. ADMINISTRATIVE HEARINGS. -- Administrative
5 hearings shall be conducted pursuant to the Uniform Licensing
6 Act.

7 Section 15. OFFENSES-- CRIMINAL PENALTIES. -- A person who
8 practices naprapathy without a license is guilty of a
9 misdemeanor and shall be sentenced in accordance with the
10 provisions of Section 31-19-1 NMSA 1978.

11 Section 16. VIOLATION-- CIVIL PENALTIES. -- The
12 superintendent may fine any person who intentionally violates
13 the provisions of the Naprapathic Practice Act up to one
14 thousand dollars (\$1,000) or may suspend or revoke the
15 licensee's authority to practice naprapathy in New Mexico.